

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

959 CIVIL APPLICATION NO.10302 OF 2022
IN FAST/10186/2022 WITH CA/10299/2022 IN FAST/10022/2022 WITH
CA/10301/2022 IN FAST/10022/2022 WITH CA/10304/2022 IN
FAST/10151/2022 WITH CA/10305/2022 IN FAST/10151/2022 WITH
CA/10303/2022 IN FAST/10186/2022 WITH CA/10306/2022 IN
FAST/10210/2022 WITH CA/10307/2022 IN FAST/10210/2022 WITH
CA/12376/2023 IN FAST/10022/2022 WITH CA/12377/2023 IN
FAST/10210/2022 WITH CA/12378/2023 IN FAST/10151/2022 WITH
CA/12604/2023 IN FAST/10186/2022

THE EXE. ENGINEER, MINOR IRRIGATION DIV., OSMANABAD THR
G.M.I.D.C., AURANGABAD
VERSUS
SADASHIV GOVIND JOGDAND (DIED) THR LRS. DRAUPADI SADASHIV
JOGDAND AND ORS

...
Advocate for Applicant : Mr. M.C. Swami
AGP for Respondents 2 & 3 : Mr. S.B. Pulkundwar
Advocate for Respondents 1A to 1G : Mr. B.A. Dhengle
...

974 CIVIL APPLICATION NO.12575 OF 2023
IN FAST/29965/2021 WITH CA/12515/2021 IN FAST/29943/2021 WITH
CA/12516/2021 IN FAST/29943/2021 WITH CA/12522/2021 IN
FAST/29962/2021 WITH CA/12520/2021 IN FAST/29965/2021 WITH
CA/12518/2021 IN FAST/29968/2021 WITH CA/12584/2023 IN
FAST/29962/2021 WITH CA/12576/2023 IN FAST/29943/2021

TUKARAM BHIMRAO JOGDAND
VERSUS
THE EX. ENGINEER, LIFT IRRIGATION DIV. OSMANABAD AND ORS

...
Advocate for Applicants : Mr. B.A. Dhengle
Advocate for Respondent 1 : Mr. S.C. Arora
...

975 CIVIL APPLICATION NO.12587 OF 2023
IN FAST/10165/2022 WITH CA/10322/2022 IN FAST/10005/2022 WITH
CA/10323/2022 IN FAST/10005/2022 WITH CA/10326/2022 IN
FAST/10156/2022 WITH CA/10327/2022 IN FAST/10156/2022 WITH
CA/10324/2022 IN FAST/10165/2022 WITH CA/10325/2022 IN
FAST/10165/2022 WITH CA/10328/2022 IN FAST/10175/2022 WITH
CA/10329/2022 IN FAST/10175/2022 WITH CA/12591/2023 IN
FAST/10156/2022 WITH CA/12590/2023 IN FAST/10005/2022 WITH
CA/12589/2023 IN FAST/10175/2022 WITH CA/12588/2023 IN
FAST/10165/2022

HARIDAS VIKRAM JOGDAND

VERSUS
THE EXE. ENGINEER, MINOR IRRIGATION DIV., OSMANABAD THR
G.M.I.D.C., AURANGABAD AND ORS

...
Advocate for Applicants : Mr. B.A. Dhengle
AGP for Respondents 2 & 3 : Mr. S.B. Pulkundwar
Advocate for Respondent 1 : Mr. M.C. Swami
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 01/11/2023

PER COURT :

1. Heard the learned counsel for the parties.
2. Civil applications for delay condonation of 1521, 1210 and 1476 days are filed by the Acquiring Body. For the reasons stated in the applications, particularly the administrative reasons, the above delay caused in filing the appeals is condoned. The applications for delay condonations are allowed and disposed of accordingly.
3. The first appeals are filed against the judgment and awards of the Reference Court, as the compensation amount has been enhanced by five times of what has been granted by the Land Acquisition Officer, so also the interest component is granted under section 28-A of the Land Acquisition Act from the date of possession. Small pieces of lands of claimants are acquired.
4. Civil applications for withdrawal of amount are filed by the original claimants. The learned counsel appearing for the Acquiring Body have strongly opposed the applications for withdrawal of amount.
5. In view of the fact that the acquired lands are small pieces of lands of the claimants, I deem it appropriate to permit the claimants to withdraw 75% of the amount deposited in this Court along with the accrued interest thereon till date, 50% on submitting usual undertaking to the satisfaction

of the Registrar (Judicial) of this Court and 25% on furnishing solvent surety/security/bank guarantee. Civil application filed for withdrawal of amount are accordingly disposed of.

6. Since the Acquiring Body has deposited the amount of compensation as directed by this Court in all the matters, the ad-interim stay granted earlier is confirmed. Stay applications are disposed of.

7. Appeals are admitted.

8. On admission, the respective counsel appearing for original claimants waive service of notice on their behalf.

9. Call R. & P.

10. Civil Applications filed for bringing the legal heirs of deceased respondents on record is/are disposed of as the learned counsel for the appellants submits that legal heirs are already brought on record. Appellants are permitted to carry out amendment within one week.

[ARUN R. PEDNEKER J.]

ssc/